

UNITED STATES DISTRICT COURT

Southern

District of

New York

BAYTREE CAPITAL ASSOCIATES, LLC
derivatively on behalf of BROADCASTER, INC.

v.

NOLAN QUAN, et al.

SUMMONS IN A CIVIL ACTION

CASE NUMBER:

08 CV 1602

JUDGE STANTON

TO: (Name and address of Defendant)

Broadcaster, Inc.
9201 Oakdale Avenue
Suite 200
Chatsworth, CA 91311

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Sullivan Gardner, PC
475 Park Avenue South
New York, New York 10016
(212) 687-5900

an answer to the complaint which is served on you with this summons, within 30 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

(By) DEPUTY CLERK

FEB 15 2008

DATE

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE	
NAME OF SERVER (<i>PRINT</i>)	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<input type="checkbox"/> Served personally upon the defendant. Place where served:		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:		
<input type="checkbox"/> Returned unexecuted:		
<input type="checkbox"/> Other (specify):		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.		
Executed on _____	Date _____	<i>Signature of Server</i> _____
<i>Address of Server</i> _____		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

BAYTREE CAPITAL ASSOCIATES, LLC DERIVATIVELY ON BEHALF OF Plaintiff(s) Petitioner(s)
BROADCASTER, INC. against

NOLAN QUAN, ETAL

Defendant(s) Respondent(s)

STATE OF DELAWARE, COUNTY OF: NEW CASTLE

Ss.:

The undersigned, being sworn, says: Deponent is not a party herein, is over 18 years of age and resides at Wilmington, DE

On 3/11/08

at 3:30 PM .M., at C/O USA CORPORATE SERVICES 3500 S. DUPONT HWY. DOVER, DE

deponent served the within

- summons and complaint
- subpoena duces tecum
- citation
-

on BROADCASTER, INC

defendant witness hereinafter called
 -esponent the recipient lamed

INDIVIDUAL

1.

CORPORATION

2.

SUITABLE
AGE PERSON

3.

AFFIXING TO
DOOR, ETC.

4.

by delivering a true copy of each to said recipient personally; deponent knew the person so served to be the person described as said recipient therein.

a DELAWARE corporation, by delivering thereat a true copy of each to SUSAN WARTZ

personally, deponent knew said corporation so served to be the corporation, described in same as said recipient and knew said individual to be PROCESS AGENT

by delivering thereat a true copy of each to a person of suitable age and

discretion. Said premises is recipient's actual place of business dwelling place usual place of abode within the state.

by affixing a true copy of each to the door of said premises, which is recipient's actual place of business dwelling place
 usual place of abode within the state. Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, thereat, having called there

MAILING TO
RESIDENCE
USE WITH 3 OR 4

5A.

MAILING TO
BUSINESS
USE WITH 3 OR 4

5B.

Deponent talked to

at said premises who stated that recipient lived worked there.

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to recipient at recipient's last known residence, at and deposited

said envelope in an official depository under exclusive care and custody of the U.S. Postal Service within New York State. Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class post paid envelope properly addressed to recipient at recipient's actual place of business, at

in an official depository under the exclusive care and custody of the U.S. Postal Service

within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the recipient.

<input type="checkbox"/> Male	<input checked="" type="checkbox"/> White Skin	<input checked="" type="checkbox"/> Black Hair	<input type="checkbox"/> White Hair	<input type="checkbox"/> 14-20 Yrs.	<input type="checkbox"/> Under 5'	<input type="checkbox"/> Under 100 Lbs.
<input checked="" type="checkbox"/> Female	<input type="checkbox"/> Black Skin	<input type="checkbox"/> Brown Hair	<input type="checkbox"/> Balding	<input type="checkbox"/> 21-35 Yrs.	<input type="checkbox"/> 5'0"-5'3"	<input type="checkbox"/> 100-130 Lbs.
	<input type="checkbox"/> Yellow Skin	<input type="checkbox"/> Blonde Hair	<input type="checkbox"/> Mustache	<input checked="" type="checkbox"/> 36-50 Yrs.	<input checked="" type="checkbox"/> 5'4"-5'8"	<input checked="" type="checkbox"/> 131-160 Lbs.
	<input type="checkbox"/> Brown Skin	<input type="checkbox"/> Gray Hair	<input type="checkbox"/> Beard	<input type="checkbox"/> 51-65 Yrs.	<input type="checkbox"/> 5'9"-6'0"	<input type="checkbox"/> 161-200 Lbs.
	<input type="checkbox"/> Red Skin	<input type="checkbox"/> Red Hair	<input type="checkbox"/> Glasses	<input type="checkbox"/> Over 65 Yrs. [- I Over 6'		<input type="checkbox"/> Over 200 Lbs.

Other identifying features:

WITNESS
FEES

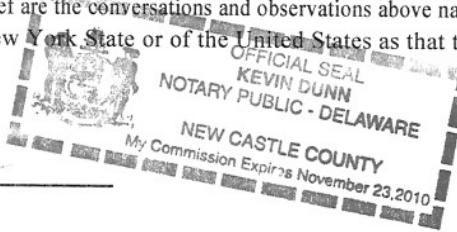
\$ the authorizing traveling expenses was paid (tendered) to the recipient
and one days' witness fee: was mailed to the witness with subpeona copy.

MILITARY
SERVICE

I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. Recipient wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

Sworn to before me on

3/11/08



Signature: _____
GRANVILLE MORRIS

License No. _____

Calendar No. _____

1~ AFFIDAVIT
OF
SERVICE